

REMARKS

This Application has been carefully reviewed in light of the Office Action. Reconsideration and favorable action are requested.

Rejections Under 35 U.S.C. § 103

The Office Action rejects Claims 1-4, 7-16, 45-49, and 51-72 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,974,363 to Gammel et al. (“*Gammel*”) in view of U.S. Patent No. 6,625,238 to Wieck (“*Wieck*”); U.S. Patent No. 6,229,814 to McMillian (*McMillian*); U.S. Publication No. 2002/0118819 to Li (“*Li*”); and/or U.S. Patent No. 6,909,781 to Itri (“*Itri*”). Applicants respectfully traverse these rejections.

Independent Claim 1, as amended, is allowable at least because the *Gammel-Wieck-McMillian-Li-Itri* combination proposed in the Office Action fails to disclose, expressly or inherently, “determining whether ***any filters*** in the transmit channel or receive channel are malfunctioning by detecting, by the digital signal processor, any resulting signal in the receive channel” (emphasis added). The Office Action relies on the passage at Col. 6, Line 65 - Col. 8, Line 5 of *Gammel* to disclose a prior version of Independent Claim 1. *See Office Action*, Page 5. *Gammel*, however, clearly fails to disclose Independent Claim 1, as amended.

First, the passage of *Gammel* relied upon by the Office Action merely discloses testing a switch S7. *See Gammel*, Col. 6, Line 65 - Col. 8, Line 5. The testing of a ***switch*** S7, however, clearly fails to disclose, expressly or inherently “determining whether ***any filters*** in the transmit channel or receive channel are malfunctioning” of Independent Claim 1. Second, the Applicants respectfully note that *Gammel* fails to disclose any type of testing of filters, let alone “determining whether ***any filters in the transmit channel or receive channel*** are malfunctioning” of Independent Claim 1 (emphasis added). Accordingly, the *Gammel-Wieck-McMillian-Li-Itri* combination proposed in the Office Action clearly fails to disclose, expressly or inherently, the limitations of Independent Claim 1.

For at least this reason, Independent Claim 1 is allowable, as are its dependent claims. For analogous reasons, Independent Claims 45, 55, 60, 65, and 66 are allowable, as are their dependent claims. Reconsideration and favorable action are requested.

CONCLUSION

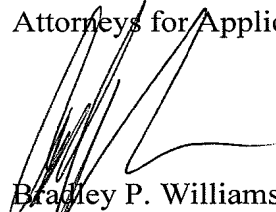
Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, please feel free to contact the undersigned attorney for Applicants.

Applicants believe no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any other fees and/or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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